

WARNER NORCROSS & JUDD LLP

ATTORNEYS AT LAW
900 OLD KENT BUILDING
111 LYON STREET, N.W.
GRAND RAPIDS, MICHIGAN 49503-2487
TELEPHONE (616) 752-2000
FAX (616) 752-2500

US EPA RECORDS CENTER REGION 5



467869

EUGENE E. SMARY

DIRECT DIAL NUMBER
(616) 752-2129
ESMARRYE@wnj.com

July 30, 1998

VIA TELECOPIER

Connie L. Puchalski
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, IL 60604-3590

**Confidential-Submitted
in Connection with
Settlement Negotiations**

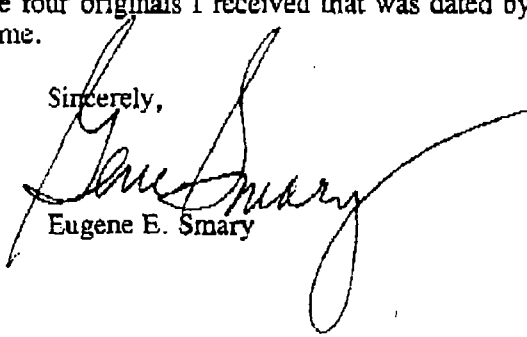
Ms. Kathleen Schnieders
Assistant Regional Counsel
Office of Regional Counsel
United States Environmental Protection
Agency
Region V
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: Albion-Sheridan Township Landfill

Dear Connie and Kathleen:

Attached is a copy of an executed Consent for Access to the Decker/CDC property. The copy that I am telecopying to you is the only one of the four originals I received that was dated by CDC Associates. If you have any questions, please call me.

Sincerely,


Eugene E. Smary

lap

Enclosure

cc: Jon Peterson (via telecopier w/enc.)
Frank Biros (via telecopier w/enc.)
Phil Moilanen (via telecopier w/enc.)
Michael Caldwell (via telecopier w/enc.)
Cooper Industries (via telecopier w/enc.)
Corning, Inc. (via telecopier w/enc.)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

July 28, 1998

VIA FACSIMILE

Eugene Smery, Esq.
Warner, Norcross & Judd
900 Old Kent Building
110 Lyon Street NW
Grand Rapids 49503

Re: Partially Executed Access Agreements

Dear Mr. Smery:

I understand that you are in possession of a partially executed access agreement that will permit the remedial action at the Albion-Sheridan Site to proceed. Please be advised that the fact that the access agreement states that all 3 parcels covered by that access agreement will be enclosed by the fence is not inconsistent with the Record of Decision (ROD) nor the Unilateral Administrative Order (UAO). The ROD and UAO stated that, at a minimum, the fence would encircle the landfill and areas where waste was to be relocated.

The additional fencing will encircle areas where children in the area have previously ridden motorcycles in proximity to the monitoring wells on the downgradient side of the landfill. These are important monitoring well locations for the future as the contingency remedy will depend on the results obtained from these monitoring wells. If those monitoring wells were damaged by site trespassers, the USEPA would require that the PRP group replace the wells. It may well save the PRP group money if these monitoring wells are protected from potential damages caused by the motorcycle riders in the area.

Please sign and forward us a copy of the executed access agreement and send it by facsimile to (312) 886-4071 as soon as possible.

Sincerely yours,

A handwritten signature in cursive script, reading "Jon Peterson", is written over a horizontal line.

Jon Peterson
Remedial Project Manager

CONSENT FOR ACCESS TO PROPERTY

Name: CDC Associates, Inc.

Site: Albion-Sheridan Township Landfill

Address of Property:

- CDC Parcel 1, located in Sheridan Township, Section 36, Town 2 South, Range 4 West, Supervisor's Plat - the South 1287 feet of Lot 26, Property Tax Identification Number 1301936203300;
- CDC Parcel 2, located in Sheridan Township, commencing at the Southwest corner of Lot 28 of Supervisor's Plat, thence North 250 feet along the West line of Lot 28; thence East 300 feet; thence South to the South line of Lot 28; thence Westerly along the South line of Lot 28 to point of beginning, Property Tax Identification Number: 1301936204510;
- CDC Parcel 3, located in Sheridan Township, commencing at the Southeast corner of Lot 28, Supervisor's Plat; thence Westerly along the South line of said lot, 389.3 feet; thence North 350 feet; thence East to a point 200 feet West of the East lot line; thence North to a point being 200 feet West and 720 feet North of the point of beginning; thence East 200 feet; thence South to the point of beginning, Property Tax Identification Number: 1301036204520.

CDC Associates, Inc. ("CDC") consents to officers, employees, and authorized representatives of the United States Environmental Protection Agency ("US EPA"), Cooper Industries, Inc., and Corning, Inc., and their contractors and subcontractors (collectively referred to as "Licensees"), entering and having continued access to the properties owned and/or controlled by CDC that are listed above to perform the following response actions pursuant to the Unilateral Administrative Order Docket No. V-W-96-C-316:

- A. Construction of a landfill cap;
- B. Monitoring of groundwater;
- C. Storm Water Management;
- D. The operation and maintenance of the cleanup remedy at the Site, including those constructed elements discussed above;

Subject to the following terms applicable to every person or entity that uses the parcels pursuant to this Agreement:

1. Upon completion of the landfill cap, access to the property shall be restricted by placing a fence along the outer edge of all three of the above listed Parcels with a key or combination for all locks furnished to CDC at the time of installation of the locks. The reasonable additional incremental cost (the "added cost") for the fence to encompass the outer edge of the parcels over the cost of the approved fence plan in the final remedial design shall be computed. In the event it is determined in an allocation proceeding or by agreement of the parties that the added cost is not reasonably related to the cost of complying to the Unilateral Administrative Order Docket No. V-W-96-C-316, that added cost shall be paid 100% by CDC. Otherwise, the added cost shall be allocated as determined in an allocation proceeding or as otherwise agreed upon by the parties.
2. Any private contractor retained to perform the response actions described above shall provide CDC with prior written notice of the commencement of any response action that will require access or use of any parcel, including a brief description of the nature of the work;
3. The access granted by this agreement shall be limited to those actions reasonably necessary to perform the response actions described in the UAO issued by US EPA for Remedial Design and Remedial Action, Docket Number V-W-96-C-316.
4. Following the completion of the above-listed response actions (other than operation and maintenance), all three Parcels are reasonably returned to their original condition, with the exception of the constructed elements described above;
5. Neither the access granted by this agreement, nor the entry of CDC and the Licensees into this agreement, constitutes a waiver of any claim either CDC or the Licensees may have against any party, including any claims against each other.

The undersigned parties enter into this Consent For Access to Property:

Dated: July 29, 1998

COOPER INDUSTRIES, INC.

By Lawrence E. Smay

Its Attorney

Dated: July 29, 1998

CORNING, INC.

By Eugene C. Smay
Its Attorney

Dated: 7/23/98

CDC ASSOCIATES, INC.

By Terry J. Klaasen
Terry J. Klaasen, President